SINGLE BENCH

(3)

(1)

C.P. (300)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P . NO 303 /2005

PETITIONER Mohd. Adil S/o Mohd. Idu aged about 36 years R/o Golbazar Rajnanadgaon (C.G.)

P.R. No. 3154/05
Presented by Shri PRS Vaidya
dated 7.7.05

VERSUS

RESPONDENTS

1) Regional Transport Authority C.G. at Raipur.

2) Abdul Rahman Siddiqui S/o not known Bus operator Gaurinagar Rajnandgaon

3) State of C.G. Through Secretary Trasport Department D.K.S. Bhawan Raipur.

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CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

(18)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.3003/ सन् 2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	15-7-2005 Mr. B.K. Rawat, counsel for the petitioner. Mr. Yashwant Singh Thakur, Govt. Advocate for the State/respondents No.1 & 3. Heard both the counsel on admission. The petitioner has preferred this writ petition under Article 226 of the Constitution of India, questioning the order dated 10-11-2004 passed by the Regional Transport Authority, whereby permit has been granted to respondent No.2 from Kawardha to Rajnandgaon. The main grievance of the petitioner is that without formation of the route by the State Government, respondent No.1 has granted permit to respondent No.2, which is contrary to the provisions of the Motor Vehicles Act, 1988. The said order is appealable, therefore, the petitioner is entitled to file appeal before the State Transport Appellate Tribunal. Alternative remedy is available to the petitioner, therefore, he is entitled to file appeal before the State Transport Appellate Tribunal. Learned counsel for the petitioner submits that as the Presiding Officer of the STAT was not posted, therefore, per force, the petitioner has to file this writ petition before this Court and now, the Presiding Officer has been posted, hence, benefit of limitation be directed to be granted to the petitioner. The petitioner is entitled to file application for condonation of delay before the STAT assigning reason that the Presiding Officer was not posted previously. Therefore, the STAT should consider the said application sympathetically. With the aforesaid observation and direction, the petition stands disposed of, at the admission stage itself. Consequently, M.(W.)P.No.2515/2005 and I.A.No.5872/2005 also stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	